

MENOMINEE INDIAN SCHOOL DISTRICT

512

EMPLOYEE ANTI-HARASSMENT

Prohibited Harassment

The Menominee Indian School District is committed to a work environment that is free of harassment of any form. The District shall not tolerate any form of harassment and shall take all necessary and appropriate action to eliminate it. Any individual in the School District community who violates this policy shall be subject to disciplinary action, up to and including termination of employment or expulsion. Additionally, appropriate action shall be taken to stop and otherwise deal with any third party who engages in harassment against District employees.

For purposes of this policy, "School District community" means individuals subject to the control and supervision of the District's Board of Education including, but not limited to, students, teachers, staff, volunteers and Board members "Third party" means individuals outside of the School District community who participate in school activities and events authorized by the Board including, but not limited to, visiting speakers, participants on opposing athletic teams, and vendors doing business with, or seeking to do business with, the District.

Harassment consists of unwelcome conduct, whether verbal, physical, or visual, that is based on a person's protected status, such as sex, color, race, ancestry, religion, national origin, age, handicap, disability, marital status, veteran status, citizenship status, sexual orientation, arrest record, conviction record or other protected group status, which affects tangible job benefits, interferes unreasonably with an individual's work performance, or creates an intimidating, hostile or offensive working environment. Employee harassment may occur employee-to-employee, student-to-employee, male-to-female, female-to-male, male-to-male, or female-to-female. Examples of conduct that may constitute harassment include:

- Graffiti containing offensive language;
- Name calling, jokes or rumors;

- Threatening or intimidating conduct directed at another because of the other's protected characteristics;
- Notes or cartoons;
- Slurs, negative stereotypes, and hostile acts which are based upon another's protected characteristics;
- Written or graphic material containing comments or stereotypes which is posted or circulated and which is aimed at degrading individuals or members of protected classes;
- A physical act of aggression or assault upon another because of, or in a manner reasonably related to, the individual's protected characteristic; or
- Other kinds of aggressive conduct such as theft or damage to property, which is motivated by a protected characteristic.

Sexual Harassment

Sexual harassment deserves special mention. Unwelcome sexual advances, requests for sexual favors, and other physical, verbal, or visual conduct based on sex constitute sexual harassment when:

- Acquiescence in or submission to such conduct is an explicit term or condition of employment;
- An individual's acquiescence in, submission to or rejection of such conduct becomes the basis for employment decisions affecting that individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Sexual harassment may include, but is not limited to:

- Unwelcome verbal harassment or abuse;
- Unwelcome pressure for sexual activity;
- Unwelcome, sexually motivated or inappropriate patting, pinching or other physical contact;

- Unwelcome sexual behavior or words including demands for sexual favors, accompanied by implied or overt threats concerning an individual's employment status;
- Unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt promises of preferential treatment with regard to an individual's employment status; or
- Unwelcome behavior or words directed at an individual because of gender.

Sexual relationships between staff members, where one staff member has supervisory responsibilities over the other, are discouraged as a matter of Board policy. Such relationships have an inherent possibility of being construed as sexual harassment because the consensual aspect of the relationship may be the result of implicit or explicit duress caused by uncertainty regarding the consequences of non-compliance.

Reporting/Investigation/District Action

Any employee who believes he/she is a victim of harassment under this policy is encouraged to report in accordance with established enforcement procedures. All reports shall be investigated and appropriate action taken in accordance with established enforcement procedures.

Retaliation

The District shall discipline or take other appropriate action against any member of the School District community who retaliates against any person who reports an incident of harassment prohibited by this policy or participates in a proceeding, investigation, or hearing relating to such harassment. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

Submission of a good faith complaint or report of harassment shall not affect the complainant's or reporter's work or academic status or environment. However, the District also recognizes that false or fraudulent claims of harassment or false or fraudulent information relating to a claim of harassment may be filed. The District reserves the right to discipline any person filing a false or

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fraudulent claim or providing false or fraudulent information regarding a victim.

Notice

The District shall conspicuously post this policy and the accompanying enforcement procedures in each school that the District maintains, in a place accessible to the School District community and members of the public. This notice shall also include the name, mailing addresses and telephone numbers of the individuals at the District to whom complaints maybe reported and the mailing address and telephone number of the United States Equal Employment Opportunity Commission and the U.S. Department of Education, Office for Civil Rights.

A copy of this policy and the accompanying enforcement procedures shall appear in the employee handbook and a copy shall be made available upon request of employees and other interested parties.

The District Administrator shall ensure that methods are developed for discussing this policy and the accompanying enforcement procedures with the School District community. Training on the requirements of nondiscrimination and the appropriate responses to issues of harassment shall be provided to the School District community on an annual basis, and at such other times as the Board in consultation with the District Administrator determines is necessary or appropriate.

The policy and the accompanying enforcement procedures shall be reviewed periodically for compliance with local, state, and federal law.

The District shall respect the privacy of the complainant, the individuals against whom the complaint is filed, and any witnesses as much as practicable, consistent with the District's legal obligations to investigate, to take appropriate action, and to conform to any discovery, disclosure or other legal obligations.

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LEGAL REF.: Titles VI and VII, Civil Rights Act of 1964,
as amended by the Equal Employment
Opportunity act of 1972
Title IX, Education Amendments of 1972
Section 504, Rehabilitation Act of 1973
Age Discrimination Act of 1975
Immigration Reform and Control Act of 1986
Americans with Disabilities Act of 1990
Civil Rights Act of 1991
42 U.S.C. 2000d et seq.
42 U.S.C. 2000e et seq.
42 U.S.C. 12101 et seq.
42 U.S.C. 794
42 U.S.C. 1983
Sections 111.31 - 111.395 Wisconsin Statutes
118.195
118.20

CROSS REF.: 512-Rule, Employee Anti-Harassment
Enforcement Procedures
512-Exhibit (1), Complaint Officers/Agencies
512-Exhibit (2), Harassment Complaint Form
511, Equal Employment Opportunities
MTEA Agreement
MNTA Agreement

APPROVED: January 1999

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